

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

BERNARD PAYNE JR.,

Plaintiff,

v.

THE YERBA MATE CO., LLC, et al.

Defendants.

Case No. 1:23-cv-00186

**DEFENDANT THE YERBA MATE CO., LLC’S
FIRST UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE ITS REPLY IN SUPPORT OF ITS MOTION TO COMPEL ARBITRATION**

Defendant The Yerba Mate Co., LLC (“Yerba Mate” or “Defendant”), through its counsel, Michelman & Robinson LLP, for its Unopposed Motion for Extension of Time to File its Reply in Support of Motion to Compel, states as follows:

1. Plaintiff filed this class and collective action on January 12, 2023 against, *inter alia*, Defendant, alleging violations of the FLSA and state wage and hour laws. (Dkt. 1).
2. On April 17, 2023, Defendant responded to Plaintiff’s Complaint with a Motion to Compel Arbitration. (Dkt. 21).
3. On April 18, 2023, this Court entered a briefing schedule requiring Plaintiff to respond by May 9, 2023 and Defendants to reply by May 23, 2023 (Dkt. 24) .
4. On May 11, 2023, this Court issued an Order, granting Plaintiff’s Unopposed Motion for Extension of Time and ordering that Plaintiff file their Response no later than May 26, 2023, and that Defendant file its Reply no later than June 16, 2023. (Dkt. 27).
5. On May 24, 2023, this Court issued an Order, granting Plaintiff’s Second

Unopposed Motion for Extension of Time and ordering that Plaintiff file his response no later than June 16, 2023 and that Defendant file its Reply no later than July 14, 2023 (Dkt. 30).

6. On June 16, 2023, Plaintiffs filed their Memorandum in Opposition to Defendant's Motion to Compel. (Dkt. 31).

7. Currently, Defendant's Reply in Support of its Motion to Compel Arbitration is due July 14, 2023. (Dkt. 30).

8. This motion for an extension of time is brought because undersigned counsel is representing a different client with respect to two motions for temporary restraining order and preliminary injunction filed this week (on July 5, 2023) one of which will be heard on July 19, 2023. Due to this hearing and the associated expedited briefing schedule, undersigned counsel respectfully seeks additional time to file the Reply brief currently due on July 14, 2023.

9. On July 6, undersigned counsel inquired with Plaintiff's counsel regarding Defendant's request for additional time. Plaintiff's counsel advised that they would not oppose the requested extension of time.

10. Defendant does not request this extension for any undue purpose or delay, and such extension will not prejudice Plaintiff.

WHEREFORE, for the reasons stated above, Defendant Yerba Mate respectfully requests that the Court enter an order granting an extension of time up to and including July 28, 2023, for Defendant Yerba Mate to file its Reply in Support of its Motion to Compel Arbitration.

Respectfully submitted,

MICHELMAN & ROBINSON LLP

Dated: July 7, 2023

By: /s/Matthew R. Lasky

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